

Appl. No.: 10/699,446
Amr. Dated: January 22, 2007
Reply to Office Action of: September 20, 2006

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REMARKS/ARGUMENTS

Claims 1 – 3, 6-14 and 17-19 remain in this application. Claims 1 and 10-12 have been amended. Claims 4 and 5 have been canceled. Claims 15-16 have been withdrawn as a result of a restriction requirement. In view of the examiner's restriction requirement, applicant retains the right to present claims 15 and 16 in a divisional application. New claims 17-19 have been added. Support for claims 17-19 can be found at paragraph [0064] and FIGS. 12 and 13.

1. Drawings

Applicants thank the Examiner for indicating in the accompanying form PTO-326 that the formal drawings previously submitted have been approved.

2. Specification

Applicants have reviewed the application and corrected the typographical errors as necessary.

2. Election/Restriction

During a telephone conversation with the Examiner on September 13, 2006 a provisional election was made without traverse to prosecute the invention of Group 1, claims 1 – 14. Affirmation of this election is hereby made.

3. §102 Rejections

The Examiner has rejected claims 1 and 6 – 8 under 35 U.S.C. §102(b), as being anticipated by Itou (English Translation of JP09-278477). Applicants believe the amendment to claim 1 overcomes the Examiner's rejection and that amended claim 1 is therefore allowable over the cited art.

Itou fails to disclose that the first layer is greater than about 5 mm but less than about 20 mm, and that the concentration of OH at the surface of the glass rod (within 100

Appl. No.: 10/699,446
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μm) is less than 0.200 ppm by weight. Support for the amendment of claim 1 can be found, for example, at paragraphs [0017], [0069] and FIG. 19.

4. §103 Rejections

The Examiner has rejected claims 2 and 3 under 35 U.S.C. §103(a), as being unpatentable over Itou (English Translation of JP09-27847). Applicants believe the amendment to claim 1 overcomes the Examiner's §103 rejection. Itou fails to disclose that the first layer is greater than about 5 mm but less than about 20 mm, and that the concentration of OH at the surface of the glass rod (within 100 μm) is less than 0.200 ppm. Powers does not cure this deficiency. Applicants therefore assert that claims 2 and 3 are allowable as dependent upon an allowable independent claim.

The Examiner has rejected claims 4 and 5 under 35 U.S.C. §103(a), as being unpatentable over Itou (English Translation of JP09-27847), as applied to claim 1, in view of Yokokawa, et al (4,874,416). Applicants have canceled claims 4-5.

The Examiner has rejected claim 9 under 35 U.S.C. §103(a), as being unpatentable over Itou (English Translation of JP09-27847), as applied to claim 8, in view of Itoh, et al (2003/0101772). Applicants believe the amendment to claim 1 overcomes the Examiner's §103 rejection. Itou fails to disclose that the first layer is greater than about 5 mm but less than about 20 mm, and that the concentration of OH at the surface of the glass rod (within 100 μm) is less than 0.200 ppm. Itoh does not cure this deficiency. Applicants therefore assert that claim 9 is allowable as dependent upon an allowable independent claim.

The Examiner has rejected claim 10 under 35 U.S.C. § 103(a), as being unpatentable over Itou (English Translation of JP09-27847), as applied to claim 1, in view of Seto, et al (English Abstract JP63123826). Applicants believe the amendment to claim 1 overcomes the Examiner's §102 rejection. Itou fails to disclose that the first layer is greater than about 5 mm but less than about 20 mm, and that the concentration of

Appl. No.: 10/699,446
Amdt. Dated: January 22, 2007
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OH at the surface of the glass rod (within 100 μm) is less than 0.200 ppm. Seto does not cure this deficiency. Applicants therefore assert that claim 10 is allowable as dependent upon an allowable independent claim. Applicants have amended claim 10 to make the claim language clearer.

The Examiner has rejected claims 11 and 12 under 35 U.S.C. § 103(a), as being unpatentable over Itou (English Translation of JP09-27847), as applied to claim 1, in view of Ooishi, et al (2002/0073737). Applicants believe the amendment to claim 1 overcomes the Examiner's §103 rejection. Itou fails to disclose that the first layer is greater than about 5 mm but less than about 20 mm, and that the concentration of OH at the surface of the glass rod (within 100 μm) is less than 0.200 ppm. Ooishi does not cure this defect. Applicants therefore assert that claims 11 and 12 are allowable as dependent upon an allowable independent claim. Applicants have amended claims 11, 12 to make the claim language clearer.

The Examiner has rejected claim 13 under 35 U.S.C. § 103(a), as being unpatentable over Itou (English Translation of JP09-27847), as applied to claim 1, in view of Fogliani, et al (WO 02/090276) or Shultz (3,826,560). Itou fails to disclose that the first layer is greater than about 5 mm but less than about 20 mm, and that the concentration of OH at the surface of the glass rod (within 100 μm) is less than 0.200 ppm. Neither Fogliani nor Shultz cure this deficiency. Applicants therefore assert that claim 13 is allowable as dependent upon an allowable independent claim.

The Examiner has rejected claim 14 under 35 U.S.C. § 103(a), as being unpatentable over Itou (English Translation of JP09-27847) and Fogliani, et al (WO 02/090276) or Shultz (3,826,560) as applied to claim 13 in view of Springate (3,421,560). Itou fails to disclose that the first layer is greater than about 5 mm but less than about 20 mm, and that the concentration of OH at the surface of the glass rod (within 100 μm) is less than 0.200 ppm. Itou does not cure this deficiency. Neither Fogliani, Shultz or

Appl. No.: 10/699,446
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Springate overcome this rejection. Applicants therefore assert that claim 14 is allowable as dependent upon an allowable independent claim.

Based upon the above amendments, remarks, and papers of records, applicants believe the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Applicants believe a one month extension of time is necessary to make this Reply timely. Applicants respectfully request that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Reply timely, and hereby authorize the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Kevin M. Able at 607-974-2637.

<u>1/22/07</u> Date	
CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8	
I hereby certify that this paper and any papers referred to herein are being transmitted by facsimile to the U.S. Patent and Trademark Office at 571-273-8300 on:	
<u>1/22/07</u> Date	
<u>Kevin M. Able</u> Kevin M. Able	<u>1/22/07</u> Date

Respectfully submitted,
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